

UNCLASSIFIED

Date: 02/17/2000 (Regulations may contain various dates)

Category: 9 - Equal Opportunity

OPR: OEE0

Title: AR 9-1 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

REVISION SUMMARY: 17 February 2000 (0389)

This regulation supersedes AR 9-1, dated 22 December 1999.

AR 9-1 is revised to amend paragraph c(2)(e), which removes the policy on the Agency's diversity initiatives. This responsibility has been transferred from the Office of Equal Employment Opportunity to the newly created position of Special Assistant to the D/CIA for Diversity Plans and Programs. An Agency Notice is being drafted that formally announces the establishment of this new office.

The remainder of the regulation is revalidated.

Because new policy has not been added to this regulation, boldfaced text has not been used.

This regulation was written by the Office of Equal Employment Opportunity, (secure).

(b)(3)

1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

SYNOPSIS. This regulation sets forth Agency policy, responsibilities, and procedures regarding equal employment opportunity.

a. AUTHORITY

- (1) The Central Intelligence Agency Act of 1949, as amended; the National Security Act of 1947, as amended; the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Rehabilitation Act of 1973, as amended; and other applicable law.
- (2) This regulation implements applicable provisions of Equal Employment Opportunity Commission (EEOC) regulations (29 CFR Part 1614), directives, and advisories, and the statutes on which they are promulgated.

- (3) Executive Orders 11246, as amended, (Equal Employment Opportunity in Federal Employment) and 11478, as amended, (Equal Employment Opportunity in the Federal Government).

b. POLICY. It is Agency policy to adhere to the provisions of federal equal employment opportunity (EEO) laws and regulations; to provide equal opportunity in employment for all persons; to prohibit discrimination on the basis of the federally-protected categories—that is, age (40 and over), color, disability, national origin, race, religion, sex, and reprisal for opposing employment discrimination and/or for participating in the EEO process—and on the basis of other categories, such as sexual orientation, protected by Executive Order or written Agency policy; and to promote the full realization of EEO.

c. RESPONSIBILITIES

- (1) The Director of the Central Intelligence Agency (D/CIA) exercises personal leadership in establishing, maintaining, and carrying out an Agency EEO program that complies with the policies and regulations of the EEOC, and that identifies and eliminates discriminatory practices and policies.
- (2) The Director of EEO (D/EEO) serves as Special Assistant to the D/CIA for EEO, and in that capacity reports directly to the D/CIA or his delegate. As Director of the Office of Equal Employment Opportunity (D/EEO), the D/EEO reports to the Executive Director (EXDIR). D/EEO is responsible for the following:
 - (a) Providing for the counseling of employees and applicants who believe they have been unlawfully discriminated against because of age, color, disability, national origin, race, religion, sex, or reprisal for opposing employment discrimination and/or for participating in the EEO process; receiving and processing individual and class complaints of discrimination; assuring that complaints are fairly and thoroughly investigated; and, as delegated by the D/CIA, issuing final decisions on the merits of complaints in a timely manner.
 - (b) Notifying all employees of the EEO regulations and of any changes to the regulations.
 - (c) Advising the D/CIA, EXDIR, Executive Committee, as appropriate, with respect to the preparation of EEO plans, procedures, regulations, reports, and other matters pertaining to the policy in 29 CFR Part 1614 and the Agency program.
 - (d) When authorized by the D/CIA, making changes in programs and procedures designed to eliminate discriminatory practices and improving the Agency's program for equal opportunity.
 - (e) Developing programs and supporting employee initiatives that further the Agency's EEO policies; evaluating and reporting on the sufficiency of the Agency and Directorate programs for EEO; and recommending improvement or corrections to those programs when necessary.
 - (f) Informing all employees and their supervisors of the availability of reasonable accommodations for qualified individuals with disabilities and providing reasonable accommodations to those qualified individuals.

- (g) Reporting statistical data on harassment and discrimination complaints to employees, and analyzing the Agency's progress in meeting EEO goals.
- (3) Deputy Directors and Heads of Independent Offices are responsible for the effective implementation in their areas of the Agency EEO program.
- (4) The Director of Human Resource Management will ensure that all employees are made aware of the provisions of the Agency EEO program as part of the entrance-on-duty processing and/or training.
- (5) Agency employees are responsible for their personal behavior, which should exclude harassment and/or other forms of discrimination on the basis of classifications set forth in this regulation. Employees are responsible for familiarizing themselves with Agency Regulations setting forth the overall EEO Complaint Process and the Harassment Complaint System. Employees should notify OEEEO promptly of allegations of discrimination on the basis of any protected classification. As set forth in AR 9-3, employees normally must contact OEEEO to initiate counseling on a complaint within 45 days of the alleged discriminatory event in order to preserve the right to pursue a remedy under federal law. In cases of alleged harassment, employees are urged to notify either OEEEO or an appropriate manager within 45 days of the alleged event in order to preserve the right to pursue a remedy under federal EEO law.
- (6) Agency supervisors are responsible for ensuring a work environment that is free from unlawful harassment and/or other forms of unlawful discrimination; and for initiating an inquiry pursuant to AR 9-2 when they become aware of a harassing incident or when an allegation of harassment is made.
- (7) Operators of the Agency communications system are responsible for providing employees serving at field sites with full, unimpeded access to the EEO privacy channel for the specific purpose of communicating EEO-related messages for the originator and to the designated recipient without advising managers, supervisory personnel, or any other persons of the content or existence of such messages.